

ATTACHMENT C

JOINT INVESTIGATIVE PLAN

GUIDELINES FOR PREPARING A JOINT INVESTIGATIVE PLAN

Purpose of the Joint Investigative Plan

A Joint Investigative Plan helps achieve some very important goals for both county district attorneys and the Fraud Division. The joint plan, when properly developed and agreed upon, creates the framework for effective communication and resource management in the investigation and prosecution of insurance fraud.

Additionally, a joint plan assists both the Insurance Commissioner and the Fraud Assessment Commission in assessing the effectiveness of shared fraud program funding in the automobile and workers' compensation fraud programs.

Some of the benefits of achieving these goals are

- Reduced or elimination of duplication of effort
- Enhanced investigative support
- An increase in the number of arrests and prosecutions.

ELEMENTS OF THE PLAN

Based upon review of past and current joint plans by county prosecutors and the Fraud Division, the following elements should be covered within the plan but should not be considered all inclusive:

1. **Statement of Goals**

Include what is expected to be achieved by the joint plan. The joint plan will reflect the Insurance Commissioner's strategic initiatives and the Fraud Assessment Commission's objectives.

2. **Receipt and Assignment of Cases**

Discuss the procedures to deal with fraud complaints and referrals that are received by only the Fraud Division or district attorney? What if both offices receive the same complaint? What arrangements will be made to avoid duplication of effort? How often will the two agencies meet/confer to share information on case referrals?

3. **Investigations**

When the District Attorney first receives a case, discuss the criteria when/if the Fraud Division's resources will be requested. Identify the plans and methods to develop cases between the two agencies and with allied agencies. Identify how the parties will avoid any duplication of investigative efforts. Define the manner in which the case investigative

plan is in concurrence to investigate and prosecute if the fact expectation is met.

Discuss the time frames for initial and follow-up meetings between the assigned Fraud Division investigator(s) and the assigned prosecutor(s) for a case. Discuss how soon after a joint investigation is opened will the named prosecutor(s) and investigator(s) be expected to meet.

4. **Undercover Operations**

Discuss the expectations and roles of both offices during the conduct of undercover operations conducted by the Fraud Division or jointly with district attorney investigators.

5. **Case Filing Requirements**

Discuss the filing requirements for cases presented to the county prosecutor. Set forth the guidelines that are generally expected for case filings.

6. **Training**

Discuss plans for any joint training between the District Attorney's Office and the Fraud Division. Indicate any plans to conduct joint training and outreach to insurance companies (and Special Investigative Units), other law enforcement agencies, self-insurers and others.

7. **Problem Resolution**

Discuss the procedures and methods to resolve issues that may surface during the investigative/prosecution stages. At what level are they to be resolved? Include a discussion of the process to be used to reach resolution to any conflict in the direction or scope of the investigation.

8. **Joint Acceptance of Plan**

Both the county prosecutor in charge of the insurance fraud program and the Chief Investigator of the Fraud Division office responsible to that county and program must agree upon the plan. Both parties must sign and date the joint investigative plan. Copies of all joint investigative plans will be maintained at the Fraud Division Headquarters in Sacramento for review by both the Insurance Commissioner and the Fraud Assessment Commission.